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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

DIANA JAMES,

Plaintiff,

vs.

AT&T WEST DISABILITY BENEFITS
 PROGRAM

Defendant.

Case No. 3:12-CV-06318 RS

**STIPULATION AND ~~[PROPOSED]~~
 ORDER TO MODIFY CASE
 MANAGEMENT ORDER**

Complaint Filed: December 12, 2012

Plaintiff Diana James ("Plaintiff") and Defendant AT&T Umbrella Benefit Plan No. 1
 (erroneously sued as AT&T West Disability Benefits Program) (collectively the "Parties") through
 their respective counsel present the following stipulation and proposed order regarding an
 extension of the date to complete an Early Neutral Evaluation and to continue the further case

1 management conference for a date after the Early Neutral Evaluation is completed.

2 WHEREAS on May 2, 2013, the Parties consented to participate in a court-sponsored
3 Early Neutral Evaluation (Dkt No. 11);

4 WHEREAS on May 9, 2013, the Court issued its Case Management Order, referring the
5 parties to the Court's ADR Program for the purpose of completing an Early Neutral Evaluation to
6 take place within sixty (60) days of the Order, or by July 8, 2013, and setting a further case
7 management conference for July 25, 2013 (Dkt No. 13);

8 WHEREAS on May 22, 2013, the Court assigned R. Bradford Huss as the Evaluator to this
9 case (Dkt No. 15);

10 WHEREAS the initial pre-session conference call with the Evaluation was scheduled for
11 June 5, 2013, but did not take place due to Plaintiff's counsel's unavailability, and had to be
12 rescheduled for another date;

13 WHEREAS the pre-session conference call has not yet been rescheduled and the ENE date
14 had not yet been set;

15 WHEREAS the Evaluator is unavailable to conduct the ENE for most of July due to
16 scheduling conflicts and vacation schedules, the Parties therefore desire to extend the date by
17 which the ENE is to be completed to August 23, 2013, and to continue the further case
18 management conference to a date thereafter, or September 5, 2013.

19 IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES:

20 That the Court's Case Management Order be modified such that an Early Neutral
21 Evaluation is to be completed by August 23, 2013, and the further case management conference is
22 continued to September 5, 2013.

23
24 Dated: June 17, 2013

LAFAYETTE & KUMAGAI LLP

25
26 /s/ Rebecca K. Kimura

REBECCA K. KIMURA

Attorneys for Defendant

AT&T UMBRELLA BENEFIT PLAN NO. 1

Dated: June 17, 2013

LAW OFFICES OF LAURENCE F. PADWAY


/s/ Laurence F. Padway
LAURENCE F. PADWAY
Attorneys for Plaintiff
DIANA JAMES

ORDER

The Court, having reviewed the Parties' Stipulation to Modify the Case Management Order, and good cause appearing, hereby modifies the existing Case Management Order and adopts the deadlines provided above. The Early Neutral Evaluation shall be completed by August 19, 2013 23, 2013, and the further case management conference shall be continued to September 5, 2013.

IT IS SO ORDERED.

DATED: 6/19/13


Honorable Richard Seeborg
United States District Judge

CERTIFICATE OF SERVICE

I certify that a copy of this document was served electronically on June 17, 2013, on counsel of record in compliance with Federal Rule 5, Local Rule 5.6 and General Order 45, by use of the Court's ECF system.

/s/ Rebecca K. Kimura
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